

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr103

UNITED STATES OF AMERICA)
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)
)
vs.) ORDER
)
)
JERMAL DANIELS (2))
)

THIS MATTER is before the Court upon the second motion of the defendant for release from solitary confinement. (Doc. No. 273). The Court previously considered and rejected a similar motion by the defendant (Doc. No. 176).

The defendant maintains his rights to due process and against cruel and unusual punishment are being violated by the United States Marshal Service because solitary confinement is not reasonably related to a legitimate nonpunitive governmental objective. (Doc. No. 273: Motion at ¶ 12). The government's response to the motion includes an affidavit by Jay Bigelow, a deputy U.S. Marshal directly involved with the defendant's pretrial detention. (Doc. No. 276). The affidavit sufficiently details continuing incidents since the Court's ruling on May 23, 2006, establishing that continued segregation is necessary to maintain order in the jail and ensure the safety of other inmates.¹ Accordingly, the Court finds no evidence of an intent to punish and that the conditions of confinement are reasonably related to a legitimate nonpunitive governmental objective.

¹The defendant has allegedly incited other inmates to resist instructions and to act out against authorities; instructed another inmate to make contact with unauthorized persons; kicked and yelled in his cell escalating an incident with another inmate; and hoarded prescribed medication for distribution to another inmate. (Doc. No. 276: Response, Affidavit at ¶¶ 10-13).

IT IS, THEREFORE, ORDERED that the defendant's motion (Doc. No. 273) is
DENIED.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the United States Attorney, the United States Probation Office, and the U.S. Marshals Service.

Signed: December 22, 2006



Robert J. Conrad, Jr.
Chief United States District Judge

